

Remarks

Claims 12-13 are pending in the present application, claims 12-13 having been added and claims 1-11 having been cancelled herein without prejudice or disclaimer of Applicant's right to refile the claims in a continuing application. The Office Action and cited references have been considered. Favorable reconsideration is respectfully requested.

Claim 12 is directed to a method for detecting chemical and/or biological searched elements, said method using mechanical, optical, electronic and hardware means. Claim 12 only concerns one single inventive concept which consists in the combination of process steps which conduces to the detection of the searched elements. This inventive concept is not intended to unite different species. For these reasons, Applicant respectfully submit that the Examiner's requirement under the chapter Elections/Restrictions no longer applies.

Claims 1-6, 10 and 11 were rejected under 35 U.S.C. § 112, first paragraph as allegedly failing to comply with the enablement requirement. Without conceding the merits of this rejection, Applicant has cancelled these claims in favour of new claims 12-13. Claim 12 is now described in such a way that one skilled on the art can make and/or use the invention. More particularly the steps of:

- representing variables in the form of reduced centre matrix,
- filtering extracted data through a Butterworth recursive linear filter,
- evaluating a potential of affiliation,

are usual steps in the technical field of Applicant's invention. One of ordinary skill in the art, upon reading the disclosure as a whole, would understand how to make and use the claimed

invention. For this reason, the Examiner's rejection under 35 U.S.C. § 112, first paragraph is believed to be overcome.

Claims 1-6 and 10-11 were rejected under 35 U.S.C. § 112, second paragraph as allegedly being indefinite, and for omitting essential steps. Again, without conceding the merits of this rejection, claims 1-6 and 10-11 have been cancelled. The new claims 12 and 13 are believed to be free of any of indefiniteness objection contained in the Office Action. For this reason, reconsideration and withdrawal of this rejection is respectfully requested.

Claims 1-6 and 10-11 were rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. Again, without conceding the merits of this rejection, claims 1-6 and 10-11 have been cancelled. The new claims 12 and 13 are believed to comply with the requirements of § 101. Specifically, claim 12 recites at least the following limitation, which is a concrete and tangible result of the claimed method: "emitting a warning signal when said frequency is superior to a warning level..." For this reason, reconsideration and withdrawal of this rejection is respectfully requested.

In view of the above amendment and remarks, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejections of record. Applicant submits that the application is in condition for allowance and early notice to the effect is most earnestly solicited.

If the Examiner has any questions, he is invited to contact the undersigned at 202-628-5197.

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Amdt. dated October 16, 2008
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Respectfully submitted,

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